

Notice of Allowability

Application No.

10/065,384

Examiner

Cheukfan Lee

Applicant(s)

TSENG, JEN-SHOU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed June 20, 2006.
2. ☒ The allowed claim(s) is/are 1-7, 9-18, and 20-32, now renumber 1-30, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


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1. The rejection of claims 4, 5, 15, and 16 under 35 U.S. C. 112, first paragraph is withdrawn. The corrected Fig. 3 is accepted by the Examiner.
2. Applicant is reminded of the improper claim of foreign priority filed on October 11, 2002 with the Combined Declaration and Power of Attorney (the older one). See "X" placed under "No" in the claim form, which is interpreted to mean that foreign priority was not claimed. Please refer to M.P.E.P. 201.11, page 200-66, section f, and also Rule 1.78(a) for filing a petition and fee for properly claiming foreign priority (or delayed claim of foreign priority).
3. Claims 1-7, 9-18, and 20-32 are allowed. Claims 23-32 are newly added. Claims 1, 12 and 23 are independent.
4. The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims 2-7 and 9-11 are allowable over the prior art of record, including the closest prior art of record, Tsai et al. (U.S. Patent No. 5,780,829), Fukushima et al. (U.S. Patent No. 5,136,150) and Kerschner et al. (U.S. Patent No. 5,995,243).

Tsai et al. does not disclose a collimating lens located inside the first light guiding tube (31 in Fig. 2). Although Kerschner et al. teaches positioning a lens between a document and a light source to enhance illumination from the light source to the document, on a second thought, the examiner agrees with Applicant's remarks that

there is no suggestion or motivation to combine in this case because, to the Examiner, the first light guiding element (31) of Tsai et al. shown in Fig. 2, that is interpreted in the previous Office Action to meet the claimed first light-guiding tube, is relatively short that there is very little room for a collimating lens, which may not be big enough to accommodate a collimating lens.

Fukushima et al. discloses a first light guiding tube (light wave guide 70) and a second light guiding tube (light wave guide 30) for guiding light from the light source (50) to the document (40) and guiding light reflected by the document (40) to the image sensor (10) (Fig. 2). However, the second light guiding tube (30) is not positioned between the document (40) and a light passage slit in the body casing because both the document (40) and a light passage slit are located at/near the same end of the light guiding tube (30) (Fig. 2); there is no light passage slit in the body casing (60) at the other end of the second tube (30) where image sensor (10) is disposed.

Claim 12 recites limitations similar to those of claim 1, which are not taught by any of the closest prior art of record, alone or in combination. Thus, claims 12 and its dependent claims 13-18 and 20-22 are allowable for the reason given for claim 1.

New claim 23 is a method claim corresponding to allowed apparatus claim 1. Thus, claims 23-30 are allowable for the reason given for claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
September 15, 2006